

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Flint Water Cases.

Judith E. Levy
United States District Judge

_____/

This Order Relates To:

ALL CASES

_____/

**ORDER REGARDING MATTERS DISCUSSED AT THE
JANUARY 22, 2020 STATUS CONFERENCE**

The Court held a status conference regarding its pending Flint water litigation on January 22, 2020. The Court now orders as follows:

I. *Marble and Brown*

The Court heard oral argument on the pending motions to dismiss in *Marble v. Snyder*, 17-cv-12942, and *Brown v. Snyder*, 18-cv-10726, and took the motions under advisement. An opinion and order will follow.

II. *In re* Flint Water Cases Discovery

MDEQ Defendants requested a protective order for the upcoming deposition of Defendant Patrick Cook. (ECF No. 1031, PageID.26542.)

Cook requests the same relief the Court previously granted to City Defendants Ambrose, Earley, and Croft. (ECF No. 992.) Because Cook is similarly situated to these individual City Defendants, the Court will grant his request to (1) temporarily seal his written discovery and deposition, and (2) limit attendance at depositions to party attorneys and his criminal counsel.

The Court also set forth on the record changes to the Second Amended Case Management Order (CMO), placing more parameters around depositions. An amendment to the CMO detailing these changes will follow.

III. Discovery Coordination

The following dates are set for telephonic discovery conferences as needed: Wednesday, February 5, 2020 at 2:00pm and Wednesday February 19, 2020 at 2:00pm.

Judge Joseph Farah from Genesee County Circuit Court joined this status conference to discuss discovery coordination between the state and federal actions related to the Flint Water Cases. He also discussed scheduling of pending motions in his cases.

IV. Bellwether Selection

At the November 6, 2019 status conference, the Court appointed a committee to develop a proposal for the second bellwether pool. (ECF No. 1009, PageID.26121–PageID.26122.) *See also* Second Amended Case Management Order (ECF No. 998, PageID.25956–PageID.25963.) Prior to the status conference, the committee reported to the Court that it was near finalizing the proposal but needed more time. The committee is ordered to file a finalized proposal, detailing the claimant group along with all relevant scheduling deadlines, no later than February 26, 2020.

V. Scheduling of Next Status Conference

The next status conference will be held on **Wednesday, March 11, 2020 at 2:00pm** in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by February 26, 2020. Individual liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by March 4, 2020.

IT IS SO ORDERED.

Dated: January 25, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on January 25, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager